

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN RE BIRTH OF FAIZA IBRAHIM
ABDI,

CASE NO. 21-5023 BHS

ORDER DENYING PETITION TO
ESTABLISH FACT OF BIRTH

This matter comes before the Court on Petitioner Faiza Ibrahim Abdi's petition to establish fact of birth. Dkt. 1.

Ms. Abdi is a permanent resident of the United States who immigrated from Ethiopia in 2013. Dkt. 1. She asserts that when she immigrated to the United States, her mother gave the United States Citizenship and Immigration Services ("USCIS") a wrong birth date for Ms. Abdi due to communication errors and a lack of English comprehension. *Id.* She moves the Court to change or acknowledge her correct birth date before she applies for United States citizenship.

While the Court is sympathetic to Ms. Abdi, it does not appear that the Court has subject matter jurisdiction in this matter. While not applicable to Ms. Abdi's petition,

1 federal courts lack jurisdiction to amend agency-issued naturalization certificates. *Yu-*
2 *Ling Teng v. Dist. Direct, U.S. Citizenship & Immigr. Services*, 820 F.3d 1106, 1109 (9th
3 Cir. 2016). It does not appear that any federal courts have addressed whether federal
4 courts have the power to correct, alter, or modify a permanent resident visa. Like
5 naturalization certificates, the power to issue immigration visas is not vested in the
6 federal courts. *See* 8 U.S.C. §§ 1421(a), 1451(h) (power to correct or modify a
7 naturalization order is vested in the Attorney General). Here, consular officers are vested
8 with the authority to issue immigrant and nonimmigrant visas. 8 U.S.C. § 1201.

9 This Court may not exercise subject matter jurisdiction over Ms. Abdi's claim
10 absent any statutory authority. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S.
11 375, 377 (1994) (federal courts "possess only that power authorized by Constitution and
12 statute"). Nothing in the immigration statutes grants this Court jurisdiction to amend an
13 agency-issued permanent resident visa. Ms. Abdi's petition, Dkt. 1, is therefore
14 **DENIED**. The Clerk is instructed to close this case.

15 **IT IS SO ORDERED.**

16 Dated this 17th day of September, 2021.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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